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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,088	07/27/2001	Richard H. Boivie	YOR920010160US1	9147
23334	7590	11/15/2004		
FLEIT, KAIN, GIBBONS, GUTMAN, BONGINI & BIANCO P.L. ONE BOCA COMMERCE CENTER 551 NORTHWEST 77TH STREET, SUITE 111 BOCA RATON, FL 33487			EXAMINER NGUYEN, TRONG NHAN P	
			ART UNIT 2152	PAPER NUMBER

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/917,088	BOIVIE ET AL.	
	Examiner	Art Unit	
	Jack P Nguyen	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-37 are being examined.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Regarding claims 1, 10, 11, 19, 20, 21, 29, 30, 32, 35, and 36, the term "substantially" renders the claim indefinite because it is unclear as to the scope or limit of claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-8, 11-14, and 17-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Diwan, 6,801,936 (Diwan hereafter).

As per claim 1, Diwan teaches a method of delivering information to a plurality of networked devices (105, 110, fig. 1, col. 2, lines 66-67), the method comprising the

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steps of: receiving a first request from a first networked device, the first request requesting a portion of information; receiving a second request from a second networked device, the second request requesting substantially the same portion of information (col. 2, lines 8-14; system (190, fig. 1) receives requests from plurality of subscribers; system then identifies common data being requested); collecting the first request and second request into a bucket (314, fig. 3, col. 4, lines 52-55; system stores requests in memory); and creating a combined response, destined for reception by the first networked device and by the second networked device, the combined response including substantially the same portion of information requested by the first and second networked devices (col. 2, lines 14-16; system generates and transmits a multicast message to a plurality of subscribers containing the common data being requested).

Claims 2-4 are rejected for the similar reasons as claim 1 above. Diwan further teaches providing the combined response to a plurality of subscribers through a network interface (280, fig. 1) using Internet Protocol (IP) multicast routing techniques (col. 2, lines 43-48; TCP/IP is a suite of protocols that allow data packets to be routed to a plurality of network devices across the Internet).

As per claims 7-8, Diwan teaches the request comprises an HTTP request requesting a portion of information (col. 3, line 26) that could include a URL to identify a requested portion of information (col. 3, line 34; an example URL could be www.weather.com).

Claim 11 is rejected for similar reasons as claim 1 addressed above.

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Claims 12-14 and 17-18 are rejected for similar reasons as claims 2-4 and 7-8 addressed above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6, 9-10, 15-16, 19-20, and 21-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diwan, 6,801,936 (Diwan hereafter).

Claims 21 and 32 are rejected for similar reasons as claim 1 above. Diwan further teaches a communication interface (280, fig. 2) that allows the system (190, fig. 1) to communicate with other network devices on the network (175, fig. 1). It is well known in the art and would have been obvious that a communication interface has a controller coupled to it to allow for this data transmission to take place between the plurality of network devices.

As per claims 5-6, in accordance with claims 2-4 addressed above, Diwan teaches sending to the plurality of requesters the combined response using Internet Protocol (IP) multicast routing techniques. Diwan did not specifically disclose the multicast protocol as Small Group Multicast protocol (SGMP) and one of the requests comprises an acknowledgement (ACK) requesting a portion of information. However, it would have been obvious to one of ordinary skill in the art to use a multicast

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transmission technique such as Small Group Multicast protocol (SGMP) to send data in a single message that is replicated and transmitted to a plurality of users (col. 1, lines 34-37) thus allowing the system to save on bandwidth as the system sends a response message only once instead a plurality of responses individually. In addition, it is well known and would have been obvious to one of ordinary skill in the art to have a recipient client to send the sender an acknowledgment (ACK) after receiving at least a portion of information to signify that proper communication channel has been established between the client and the sender.

As per claims 9-10, Diwan teaches the system allows the users to set the retransmission time associated with communication response, i.e., users can select when they would like system to respond to their requests (col. 4, line 67 – col. 5, line 1; col. 5, lines 38-40) using multicast transmission protocols addressed in claims 2-6. Diwan does not specifically disclose the retransmit time associated with communication with the first networked device is substantially the same as a retransmit time associated with communication with the second networked device. Hence, it would have been obvious to one of ordinary skill in the art to allow users to set the specific response time to their requests according to their specific requirements. For example, users may want to get substantially same information such as updated sports scores every 5 minutes sent to their workstations as disclosed in [col. 6, lines 8-9] or set the system to respond to their requests within 2 seconds after getting the requests.

Claims 15, 16, 25, 26, 31, and 37 are rejected for similar reasons as claims 5-6 above.

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Claims 19, 20, 29, and 30 are rejected for similar reasons as claims 9-10 above.

Claims 27-28 are rejected for similar reasons as claims 7-8 above.

Claims 22-24 and 33-36 are rejected for similar reasons as claims 2-4, 9-10, 21, and 32 above. Diwan further teaches clients can elect to have a portion or the entire requested data to be transmitted from the system to the client devices at time intervals defined by the clients as disclosed in [col. 4, lines 63 – col. 5, line 1].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

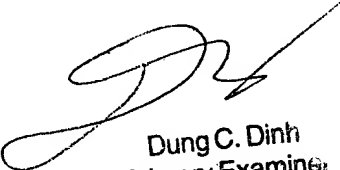
- Donahue et al, 6,411,616; Epstein et al, US Pub 2004/0042479, Powell et al, US Pub 2002/0073167 ; Marks et al, US Pub 2002/0007374 ; McCrane, 6,785,704 ; Kenner et al, 5,956,716; Medin, 6,370,571; Poon et al, 5,838,912

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack P Nguyen whose telephone number is (571) 272-3945. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). jpn



Dung C. Dinh
Primary Examiner